



M O N T A N A
C O A L I T I O N A G A I N S T
D O M E S T I C A N D S E X U A L
V I O L E N C E

January 12th, 2009

EXHIBIT 3
DATE 1/12/09
HB 102

To: House Judiciary Committee
From: Kelsen Young, Executive Director
Re: HB 102 – Increase penalties for second and subsequent sexual assault

Good morning, Mr. Chairman and Members of the House Judiciary Committee. For the record, my name is Kelsen Young and I am the Executive Director of the Montana Coalition Against Domestic and Sexual Violence. We are a statewide membership organization representing direct service programs from across the state that provide services to victims of domestic and sexual violence. We rise in support of House Bill 102.

This is an important bill because it increases the penalties for repeat offenders who are charged under 45-5-502 which is commonly known as the sexual assault statute. There are several statutes under the "Sexual Crimes" section of the MCA. This statute and 45-5-503, Sexual intercourse without consent, are the laws that are used to prosecute offenders of various types of sexual assaults – including what is commonly referred to as rape. Offenders are charged based on the degree of the crime.

As you can see, in current law a sexual assault offense is considered a misdemeanor and has fairly limited penalties. The proposed legislation would increase the penalties upon subsequent charges and create a felony-level offense for repeat offenders.

Statistics in Montana show that there were 337 reported victims of rape in 2007. This is according to the crime data collected by the Montana Board of Crime Control through their incident-based reporting system. According to data gathered by programs that provide services to victims of sexual violence (PDQ data), there were 797 adult sexual assault victims who accessed services in 2007 (many other categories of victims are also served). These numbers can not necessarily be directly correlated, but do show the significant impact that the crime of sexual assault is having in our communities.

In addition, according to the Montana Sexual or Violent Offender Registry, there are 792 offenders registered under 45-5-502; 538 offenders registered under 45-5-503, and 749 offenders who were convicted out of state. These are the numbers of just the *registered* sex offenders currently living in Montana.

Alas, these numbers never truly tell the whole story. It is still true that only approximately 40% of victims report their rapes to police. Primarily, due to the fact that approximately two-thirds of victims are attacked by someone they know. National statistics show that there were 272,350 victims of rape or sexual assault in 2006; meaning every two minutes someone in the U.S. is sexually assaulted.

The numbers are staggering and frustrating. At the very least, when someone has the courage to come forward and report the crime, offenders should be held accountable. By increasing the penalties for sexual assault we are acknowledging the pain and suffering that has been inflicted upon the victim of the crime and our communities as a whole.

I urge you to pass HB 102. Thank you for your time and attention. If you have questions, I am available to provide further information.

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